



# California Fair Political Practices Commission

July 30, 1986

Edwin A. Graf  
Legal Counsel  
Office of the Auditor General  
660 J Street, Suite 300  
Sacramento, CA 95814

Re: Your Request for Advice  
Our File No. I-86-240

Dear Mr. Graf:

We are in receipt of your July 9, 1986, letter requesting written confirmation of telephone advice previously provided by the Commission. In accordance with your request, we hereby confirm our advice on the following issues:

1. The Office of the Auditor General is not required to adopt a separate conflict of interest code. The Commission had been under the impression that the Office of the Auditor General had become an agency separate and distinct from the Joint Legislative Audit Committee. This issue was clarified in our conversation whereby you informed me that the Office of the Auditor General is "budgeted" separate from the Committee, but that employees of the Auditor General are covered by the Committee's Conflict of Interest Code. Under these facts, the Auditor General is not required to adopt a separate code.

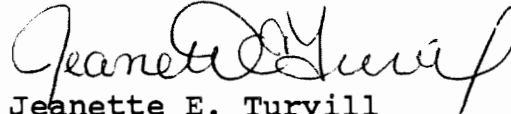
2. Mr. Thomas W. Hayes, the Auditor General, is not required to file his Statement of Economic Interests with the Fair Political Practices Commission. Government Code Section 87500(1) provides that the designated employees of the legislature shall file their statements with the house of the legislature by which the designated employee is employed. The legislature can in its discretion provide that the statements be filed directly with the Fair Political Practices Commission. At this time only the Assembly staff members file their statements directly with the Commission. Your statement is filed with the manager of Administrative Services, Office of the Auditor General.

In the past we have requested a copy of Mr. Hayes' statement to be used when publishing our reports on financial interests of various heads of state agencies. This annual request may have caused some confusion this year.

Edwin A. Graf  
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I believe this confirms our earlier advice. If we can be of further assistance, please feel free to contact me at (916) 322-5901.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeanette E. Turvill".

Jeanette E. Turvill  
Legal Assistant  
Legal Division

JET:km



Telephone:  
(916) 445-0255

STATE OF CALIFORNIA  
**Office of the Auditor General**

660 J STREET, SUITE 300  
SACRAMENTO, CA 95814

Thomas W. Hayes  
Auditor General

July 9, 1986

Mr. John Larson, Chairman  
Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, California 95814

Dear Mr. Larson:

In order to assure ourselves that this office is in compliance with certain legal requirements for Conflict of Interest Codes, we wish to have a written confirmation from your office regarding two issues which we have previously discussed with your staff. We believe that a response to this request is authorized under Government Code Section 87312, which provides that the Commission shall give technical assistance to agencies upon request.

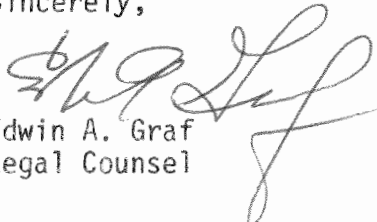
On April 22, 1986, this office received a "Notice of Deadline for Submission of a Conflict of Interest Code to the Fair Political Practices Commission." In June, I spoke with Jeanette Turvill, a legal assistant in the legal division of your office. Ms. Turvill indicated that we did not need to prepare a conflict of interest code separate from the Joint Legislative Audit Committee. Because of this advice, this office has not adopted a separate Conflict of Interest Code.

Also, by letter dated March 6, 1986, from Thomas W. Hayes, Auditor General, to you, Mr. Hayes requested written confirmation that the Auditor General is not required to file his Form 730, "Statements of Economic Interests for Designated Employees," with the Fair Political Practices Commission. As stated in that letter, Ms. Kim Taylor and Ms. Alice Hughes of the Commission indicated by telephone that a filing with the Commission was not required.

We would appreciate having a written confirmation of the oral advice we received from your office on these two issues.

Thank you for your assistance.

Sincerely,

  
Edwin A. Graf  
Legal Counsel